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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
)
GEORGE WALTER KOROL, M.D.)
Physician & Surgeon Cert. No. G-47040)
Physician Asst. No. SA-24994)
Respondent)
_____)

No. 11-95-52249


DECISION

The attached Proposed Decision in case number 11-95-52249 is hereby adopted by the Division of Medical Quality of the Medical Board of California as its decision in the above entitled matter.

This Decision shall become effective on August 21, 1998

It is so Ordered July 22, 1998

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

By 
IRA LUBELL, M.D.
Chairperson, Panel A

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GEORGE WALTER KOROL, M.D.
17541 Irvine Road
Tustin, CA 92680

Physician's and Surgeon's
Certificate No. G 47040

Respondent.

No. 11-95-52249

OAH No. N-1998050047

PROPOSED DECISION

On June 16, 1998, in Calipatria, California, Alan S. Meth, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Sanford H. Feldman, Deputy Attorney General, represented complainant.

Respondent represented himself.

Evidence was received, the record was closed, and the matter was submitted on June 16, 1998.

FINDINGS OF FACT

I

Ron Joseph, Executive Director of the Medical Board of California (Board), filed Accusation No. 11-95-52249 on November 4, 1996, in his official capacity. Respondent filed a timely Notice of Defense. Complainant filed an Amended Accusation on April 30, 1998, and filed a Second Amended Accusation on June 2, 1998.

II

On March 1, 1982, the Board issued Physician's and Surgeon's Certificate No. G 47040 to respondent, and at all relevant times, the certificate was in full force and effect.

III

On September 5, 1996, in the Superior Court of Orange County, in the case of People v. George Walter Korol, Case No. 95CF1805, respondent was convicted by a jury of violating Penal Code sections 422 (terrorist threats), 451(b) (arson of an inhabited structure), 451(d) (arson of property), and 453(a) (possession of flammable material). On October 4, 1996, the court sentenced respondent to five years in prison

The facts and circumstances surrounding the convictions are as follows: on June 29, 1995, while embroiled in a series of arguments with his wife which culminated with the couple filing for divorce and fighting over custody of their infant, respondent threatened her and her parents with death or great bodily injury. On July 3, 1995, Mrs. Korol and their child were staying with Mrs. Korol's mother. At about 5:00 a.m., respondent threw a plastic bottle containing gasoline onto the patio of the home and started a fire. The fire was quickly extinguished before it could do much damage. Respondent intended to scare his wife, succeeded in scaring her mother, and did not consider the consequences relating to their child.

IV

Respondent was born in Winnipeg, Manitoba, Canada, and completed medical school there in 1979. He came to California in 1983 and opened a general practice in Orange County. He operated a clinic and a laboratory. Prison authorities chose not to utilize his medical skills while he had been in prison, and he has worked as a clerk for about the last year.

V

Because the hearing in this case was conducted at a state prison, respondent did not have much of an opportunity to present evidence in his own behalf. The probation report in the criminal case indicates respondent suffers from bi-polar disease, but no evidence of his history, or current condition, was offered at the hearing. Respondent expects to be released from custody on July 13, 1998. There is a possibility he may be deported back to Canada.

VI

Respondent argued the crimes of which he was convicted are not substantially related to the qualifications, functions, or duties of a physician. He points out the victims were not patients and nothing he did was connected with his medical duties.

The arson offense had the potential for great bodily harm if the residence had caught on fire. Respondent's own child was in the building, but respondent did not consider that. Respondent planned the acts which culminated in his starting the fire, and he did them to scare his wife. His conduct was sufficiently serious that the court in the criminal case sentenced him to five years in prison instead of placing him on probation.

Respondent's conduct is wholly inconsistent with the duties of a physician. Doctors treat the sick, not try to burn them. Patients entrust their health and their lives to their doctors. Respondent's reckless and wanton act of attempting to set fire to an inhabited dwelling demonstrates he does not exhibit the concern for the health and welfare of others expected and required of doctors. Respondent can no longer be trusted to act in the best interest of his patients. His license must be revoked.

VII

The Board incurred Attorney General costs in connection with the prosecution of this matter in the amount of \$2,730.75, and investigation costs in the amount of \$3,287.84. The total is \$6,018.59.

DETERMINATION OF ISSUES

I

Cause for discipline of respondent's license for violation of Business and Professions Code section 2234 and 2236, conviction of a crime substantially related to the qualifications, functions, and duties of a physician, was established by reason of Findings III and VI.

II

Cause to require respondent to reimburse the Board for its costs of investigation and prosecution of this matter pursuant to Business and Professions Code section 125.3 in the amount of \$6,018.59 was established by Finding VII.

ORDER

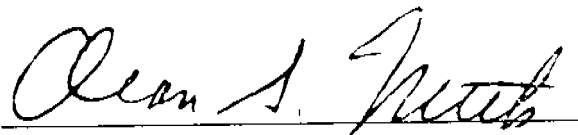
I

Physician's and Surgeon's Certificate No. G 47040 issued to respondent George Walter Korol, M.D., is hereby revoked.

II

Respondent shall reimburse the Board for its costs of investigation and prosecution of this case in the amount of \$6,018.59.

Dated: June 30, 1998

A handwritten signature in cursive script, appearing to read "Alan S. Meth", written over a horizontal line.

ALAN S. METH
Administrative Law Judge
Office of Administrative

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2 of the State of California
3 SANFORD FELDMAN,
4 Deputy Attorney General
5 State Bar No. 47775
6 Department of Justice
7 110 West A Street, Suite 1100
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11 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO JUNE 2 19 98
BY [Signature] ANALYST

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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY OF THE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) No. 11-95-52249
12 Against:)

13 GEORGE W. KOROL, M.D.)

14 CDC No. K285961, A4-2200)

15 Pleasant Valley State Prison)

16 P.O. Box 850)

17 Coalinga, CA 93210)

18 Physician's and Surgeon's)

19 Certificate No. G47040)

20 Physician Assistant Supervisor)

21 License No. SA24994)

22 Respondent.)

23 Complainant Ron Joseph, as cause for disciplinary
24 action, alleges:

25 PARTIES

26 1. Complainant is the Executive Director of the
27 Medical Board of California ("Board") and makes and files this
Amended Accusation solely in his official capacity.

2. On or about March 1, 1982, Physician's and
Surgeon's Certificate No. G47040 was issued by the Board to

1 George W. Korol, M.D. ("respondent"). Said Physician's and
2 Surgeon's Certificate was in full force and effect until
3 September 4, 1996, when it was suspended pursuant to Business
4 and Professions Code Section 2236.1. Pursuant to Welfare and
5 Institutions Code Section 11350.6, respondent was issued a
6 TEMPORARY LICENSE which expired on December 15, 1996. Respondent
7 did not comply with the provisions of Welfare and Institutions
8 Code Section 11350.6 and the renewal of his license was denied.
9 On November 4, 1996, an Accusation was filed against respondent.
10 On April 30, 1998, an Amended Accusation was filed. This Second
11 Amended Accusation supersedes the original Accusation and the
12 Amended Accusation.

13 3. Respondent was approved as a Physician Assistant
14 Supervisor under License No. SA24994. Said Physician Assistant
15 Approval was in full force and effect until September 4, 1996,
16 when it was suspended pursuant to Business and Professions Code
17 Section 2236.1. Pursuant to Welfare and Institutions Code
18 Section 11350.6, respondent was issued a TEMPORARY APPROVAL which
19 expired on December 15, 1996. Respondent did not comply with the
20 provisions of Welfare and Institutions Code Section 11350.6 and
21 the renewal of his approval was denied.

22 **JURISDICTION**

23 4. This Accusation is made in reference to the
24 following statutes of the California Business and Professions
25 Code ("Code"):

26 A. Code section 2227 provides, in pertinent
27 part, that the Division of Medical Quality of the Board

(hereinafter "Division") may revoke, suspend for a period not to exceed one year, or place on probation and order the payment of probation monitoring costs, the license of any licensee who has been found guilty under the Medical Practice Act.

B. Code section 2234 provides, in pertinent part, that the Division shall take action against any licensee who is charged with unprofessional conduct^{1/}. Unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

" . . .

"(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct which would have warranted the denial of a certificate."

C. Code section 2236 provides, in pertinent part, that a conviction of any offense substantially related to the qualifications, functions, or duties of a physician

1. Unprofessional conduct has been defined as conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine.

1 and surgeon constitutes unprofessional conduct. The record
2 of conviction shall be conclusive evidence only of the fact
3 that the conviction occurred.

4 D. Section 118(b) of the Code provides, in part,
5 that the suspension, expiration, or forfeiture by operation
6 of law of a license issued by a board in the department, or
7 its suspension, forfeiture, or cancellation by order of the
8 board or by order of a court of law, or its surrender
9 without the written consent of the board, shall not, during
10 any period in which it may be renewed, restored, reissued,
11 or reinstated, deprive the board of its authority to
12 institute or continue a disciplinary proceeding against the
13 licensee upon any ground provided by law or to enter an
14 order suspending or revoking the license or otherwise taking
15 disciplinary action against the licensee on any such ground.

16 E. Section 123.5 provides, in pertinent part,
17 that the board may request the administrative law judge to
18 direct any licensee found to have committed a violation or
19 violations of the licensing act, to pay the board a sum not
20 to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 5. Section 16.01 of the 1997/1998 Budget Act of the
23 State of California provides, in pertinent part, that: (a) no
24 funds appropriated by this act may be expended to pay any Medi-
25 Cal claim for any service performed by a physician while that
26 physician's license is under suspension or revocation due to a
27 disciplinary action of the Medical Board of California; and, (b)

1 no funds appropriated by this act may be expended to pay any
2 Medi-Cal claim for any surgical service or other invasive
3 procedure performed on any Medi-Cal beneficiary by a physician if
4 that physician has been placed on probation due to a disciplinary
5 action of the Medical Board of California related to the
6 performance of that specific service or procedure on any patient,
7 except in any case where the board makes a determination during
8 its disciplinary process that there exist compelling
9 circumstances that warrant continued Medi-Cal reimbursement
10 during the probationary period.

11 CAUSES FOR DISCIPLINE

12 6. Respondent George W. Korol, M.D., is subject to
13 disciplinary action on account of the following:

14 A. On June 29, 1995, in the divorce proceeding,
15 respondent's wife was awarded custody of their child as well
16 as sole possession and occupancy of their home ("home").

17 B. On the evening of June 29, 1995, respondent
18 called his wife and told her that he was going to chop off
19 her head. Respondent hung up, then called back. During the
20 second call, respondent said that he was going to visit her
21 father that night and remove his tongue.

22 C. On or about July 1 or July 2, 1995, without
23 permission, respondent entered the home and wrote a profane
24 threat on the wall in the living room. In substance, the
25 threat demanded honesty and the return of respondent's
26 property. The threat stated that if respondent did not get
27 the foregoing, he would disseminate photographs of his wife

engaging in various forms of sexual activity with multiple partners. In addition, respondent nailed to the wall, below the threat, a key chain depicting a male and female engaged in oral sex. Next to the key chain, respondent wrote the words "You were about 1/2 of 10."

D. Respondent's wife spent the night of July 2 - July 3, 1995 at the house of her mother. In the early morning hours of July 3, 1995, respondent went to the mother's house and tossed an explosive into the patio adjacent to the house. Neighbors put out the fire.

E. On July 4, 1995, respondent was arrested at his office. On November 14, 1995, in the Orange County Superior Court, Case No. 95CF1805, respondent was charged with making terrorist threats, arson and attempted murder. On September 4, 1996, respondent was found guilty of Counts 1, 5, 6 and 7 - making terrorist threats, arson of an inhabited structure, arson of a structure and arson of the property of another, respectively. Respondent was sentenced to state prison.

7. As a result of the conduct described in paragraph 6 above, respondent engaged in unprofessional conduct, including general unprofessional conduct, dishonesty and corruption and conviction of a crime substantially related to the qualifications, functions and duties of a physician and surgeon, in violation of Code sections 2234, 2234(a), 2234(e), 2234(f) and 2236.

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PRAYER

WHEREFORE, complainant requests that the Division hold a hearing on the matters alleged herein, and that following said hearing, the Division issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate No. G47040, heretofore issued to respondent George W. Korol, M.D.;
2. Revoking Physician Assistant Supervisor License No. SA24994, heretofore issued to respondent George W. Korol, M.D.;
3. Directing respondent George W. Korol, M.D., to pay to the Board a reasonable sum for its investigative and enforcement costs of this action;
4. Directing respondent, if placed on probation, to pay the costs of probation monitoring; and
5. Taking such other and further action as the Division deems appropriate to protect the public health, safety and welfare.

DATED: 6/2/98

Ron Joseph
Ly George Filed

Ron Joseph
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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